

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

BRIGHT RESPONSE, LLC  
F/K/A POLARIS IP, LLC,

Plaintiff,

v.

GOOGLE INC., ET AL.,

Defendants.

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No. 2:07-cv-00371-CE

Jury Demanded

**UNOPPOSED MOTION OF DEFENDANT GOOGLE INC.  
TO WITHDRAW MOTION TO COMPEL  
WITHOUT PREJUDICE**

COMES NOW Defendant Google Inc. (“Google”), and files this motion to withdraw its currently pending motion to compel without prejudice, and would show the Court as follows:

1. On December 11, 2009, Google filed its Motion to Compel Production of Documents and Privilege Logs from Plaintiff and Acclaim Financial Group, LLC (Dkt. #244).
2. Pursuant to the agreement reached with Plaintiff Bright Response with regard to the documents and information sought from Plaintiff and Acclaim Financial Group, Google requests that its Motion to Compel Production of Documents and Privilege Logs from Plaintiff and Acclaim Financial Group, LLC (Dkt. #244) be withdrawn without prejudice to the re-filing of same.
3. This motion is not opposed by Plaintiff Bright Response.

Dated: December 23, 2009

Respectfully submitted,

By: /s/ Jennifer Parker Ainsworth

Jennifer Parker Ainsworth

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ATTORNEYS FOR DEFENDANTS

GOOGLE INC., AOL LLC, and

AMERICA ONLINE, INC.

### **CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this motion was served on all counsel who have consented to electronic service, Local Rule CV-5(a)(3)(A), on this the 23<sup>rd</sup> day of December, 2009.

/s/ Jennifer P. Ainsworth

Jennifer P. Ainsworth

**CERTIFICATE OF CONFERENCE**

This is to certify that Jennifer P. Ainsworth conferred with counsel for plaintiff Bright Response on December 17, 2009 concerning this motion and counsel does not oppose the motion.

/s/ Jennifer P. Ainsworth  
Jennifer P. Ainsworth